

Appl. No.: 09/850,341  
Reply to Office Action of: 10/8/2003

### **REMARKS/ARGUMENTS**

Claims 7 and 9-11 remain in this application. Claim 12 is new. Claim 7 has been amended. Claim 8 has have been canceled. Claims 1-6 has been withdrawn from consideration in a previous response, subject to the right to present claims 1-6 in a divisional application.

### **Claim Rejections**

**Claims 7, 9, 10 and 11 stand rejected under 35 USC 102(e) as being anticipated by Yoneda. Claim 8 stands rejected under 35 USC 103(a) as being unpatentable over Yoneda.**

Claim 8 has been canceled by this amendment. Claim 1 has been amended to incorporate the subject matter of the original claim 8. In addition, claim 1 states that another, non-planar waveguide connects the pair of optical fiber waveguides. Such a non-planar waveguide is illustrated, for example, in Figures 1E and 3B of the Applicants' specification. The Yoneda reference does not disclose these features. Therefore, claims 7 and 9-11 are not anticipated by this reference.

The Office Action stated that although the cited reference does not disclose that the waveguides are optical fibers, "It would have been obvious to a person of ordinary skill in the art to modify Yoneda to include waveguides made of optical fiber for simplicity, cost and transmission benefits."

Applicants respectfully disagree for the following reasons. The Yoneda reference describes a different method of making a waveguide device than the one described by the Applicants. For example, Applicants' method includes irradiating the photo-polymerisable material located between the pair of optical fiber waveguides trough at least one of the optical fibers, thus forming a non-planar, fiber-like waveguide between two sets of the optical fiber waveguides. Such method is not disclosed by the Yoneida reference, and, furthermore, the method disclosed by the reference (see paragraphs 42-48) does not result in such a non-planar waveguide connecting the two optical fibers.

Therefore, Applicant's submit that claims 1-7 and 9-12 are not obvious in view of Yoneda reference.

### **New Claim**

Claim 12 depends on claim 7 and is supported by figure 1E of the Applicants' specification. Claim 12 is not obvious over the Yoneda reference for the same reason

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that claim 7 is not obvious and also because the features of claim 12 are not disclosed by this reference.

**Conclusion**

Based upon the above amendments, remarks, and papers of records, applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Applicant believes that no extension of time is necessary to make this Reply timely. Should applicant be in error, applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Svetlana Z. Short at 607-974-0412.

Respectfully submitted,

DATE: 12/3/03

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